

**DISCIPLINE COMMITTEE OF THE  
ONTARIO COLLEGE OF SOCIAL WORKERS AND SOCIAL SERVICE WORKERS**

Indexed as: Ontario College of Social Workers and Social Service Workers v Essa Rageh  
Egal, 2023 ONCSWSSW 3

Decision                    20230605  
Date:

**BETWEEN:**

THE ONTARIO COLLEGE OF SOCIAL WORKERS  
AND SOCIAL SERVICE WORKERS

- and -

ESSA RAGEH EGAL

PANEL:	Charlene Crews	Chair, Professional Member
	Judy Gardner	Professional Member
	Carrie McEachran	Public Member

Appearances: Debra McKenna, counsel for the College  
Essa Rageh Egal, not appearing  
Edward Marrocco, Independent Legal Counsel to the Panel

Heard: May 19, 2023

**DECISION AND REASONS FOR DECISION ON PENALTY**

[1] This matter came on for hearing by video conference before a panel of the Discipline Committee (the “**Panel**”) of the Ontario College of Social Workers and Social Service Workers (the “**College**”) on May 19, 2023.

[2] The hearing was to receive submissions with respect to penalty in these proceedings. The Panel had previously heard evidence on the merits phase of this matter on January 5, 6, 7, 12 and 13, 2022. Findings of professional misconduct had been returned in reasons dated December 16, 2022.

[3] The Member did not appear at any point during the merits phase of the proceeding and also did not appear for the May 19, 2023 penalty hearing.

[4] College counsel once again filed the original Notices of Hearing in the matter under updated affidavits of service confirming that the Member had been made aware of the May 19 penalty hearing and its purpose. College counsel noted that this Panel's earlier finding in the course of the merits proceeding that the notice requirements of the *Statutory Powers Procedure Act* had been met alleviated the need for further notice but that further notice had been provided nonetheless out of an abundance of caution.

[5] The Panel proceeded with the penalty hearing despite the Registrant's absence. The Panel remains of the view that the Registrant has, at all times, had full notice of every step of these proceedings.

### **Notice of Publication Ban**

[6] At the request of the College the Panel previously ordered a publication ban in this proceeding prohibiting the publication of any details or information that may directly or indirectly cause the individuals referred to in this matter as the "client(s)" to be publicly identifiable. The publication ban remains in place.

### **SUBMISSIONS ON PENALTY**

[7] The Panel received submissions from the College regarding the appropriate order to make with respect to penalty further to the Panel's December 16 decision on liability.

[8] The College sought the following terms:

- a. The Registrant be reprimanded by the Discipline Committee and the fact and nature of the reprimand shall be recorded on the College's public register for an unlimited period of time.
- b. The Registrar be directed to revoke the Registrant's certificate of registration.
- c. The period of time during which the Registrant may not re-apply to the College for a new certificate of registration or seek reinstatement shall be fixed at five (5) years from the date of the Discipline Committee's order.
- d. The finding and the order of the Discipline Committee be published, in detail or in summary with the Registrant's name, online and/or in print, including, but not limited to, in the official publication of the College, on the College's website, and on the College's public register.
- e. The Registrant pay costs to the College in the amount of \$100,000.00.

[9] In support of the terms requested, College counsel emphasized the primary duty of the College to protect the public interest. Counsel submitted that the public must be assured of the College's ability to govern the conduct of its registrants through the discipline process.

[10] College counsel also submitted that any penalty order must be crafted with an intention to ensure that the Registrant will not engage in professional misconduct again while also informing and deterring other members of the College by way of the disciplinary consequences that will follow such serious findings of professional misconduct.

[11] With respect to aggravating and mitigating factors, the Panel was reminded that the Registrant has no prior discipline history and also that the misconduct found in this matter is very serious.

[12] It was submitted by the College that a reprimand is necessary in the circumstances as it allows the Panel to convey its concerns and disapproval of this misconduct directly to the Registrant.

[13] College counsel also emphasized that revocation of the Registrant's certificate of registration and a five-year ban during which time the Registrant may not seek reinstatement would be appropriate given the seriousness of the misconduct found.

[14] In support of the requested five-year ban on seeking registration, College counsel argued that the time period requested was appropriate given the nature of the misconduct found and also consistent with other decisions. College counsel also pointed the Panel to the *Regulated Health Professions Act 1999* ("RHPA") noting that the RHPA requires both revocation and a five-year ban on re-registration in matters where there is a finding of sexual abuse. Counsel for the College submitted that RHPA is instructive and that penalty decisions of the College should be consistent with other professions addressing matters of sexual abuse notwithstanding that the provisions of the RHPA are not binding on the College.

[15] College counsel submitted that the need for publication of the Discipline Committee's order with the Registrant's name visible would be both consistent with the approach taken previously by the Discipline Committee in other matters in similar cases while also serving a deterrent feature and protecting the public.

[16] Lastly, on the issue of costs, counsel contended that the Registrant's absence from the process unnecessarily prolonged and complicated the proceedings in circumstances where the evidence of misconduct was, in College counsel's assessment, overwhelming. While cautioning that the Registrant cannot be punished for declining to participate, and while the College assumes the burden of proof in any event of a registrant's participation, College counsel submitted that the amount of costs sought is appropriate – as it would be in any other contested hearing where the registrant was wholly unsuccessful in defending.

[17] The College's actual costs incurred are particularized in a bill of costs which was made Exhibit 3 on the May 19 hearing. The College's actual costs were \$149,992.92, of which the College sought to recover \$100,000.00, which equates to approximately 2/3 of the College's actual spend.

## **PENALTY DECISION**

[18] Having considered the findings of professional misconduct, the relevant evidence and the submissions of the College, the Panel orders as follows:

- a. The Registrar is hereby directed to revoke the Registrant's certificate of registration forthwith.

- b. The Registrant shall be reprimanded by the Discipline Committee in accordance with the reprimand included with these reasons and the fact and nature of the reprimand shall be recorded on the College's public register for an unlimited period of time.
- c. The Registrant may not re-apply to the College for a new certificate of registration or seek reinstatement for at least five (5) years from the date of the Discipline Committee's order.
- d. The finding and the order of the Discipline Committee shall be published, in detail or in summary in a manner consistent with the publication ban in this matter however with the Registrant's name fully visible and shall be made available online and/or in print, including, but not limited to, in the official publication of the College, on the College's website, on the College's public register, and anywhere else that the College deems necessary to bring the findings in this matter to the attention of the public.
- e. The Registrant shall pay costs to the College in the amount of \$100,000.00.

### **REASONS FOR PENALTY DECISION**

[19] An appropriate penalty must maintain the high standards of the profession, protect the public and maintain public confidence in the College's ability to regulate its members. It must also denounce misconduct, provide general and specific deterrence, offer a chance for rehabilitation where appropriate, and maintain public confidence in the profession's ability to self-govern.

[20] In deciding penalties, the Panel bears an extraordinary responsibility to protect the public. The public, and the profession, properly expect that the Panel will ensure public confidence in carrying out that responsibility.

[21] The misconduct found in this matter is extremely serious. In addition to dishonest record keeping, the Registrant committed egregious acts of misconduct against four vulnerable female clients. These acts were horrific and confirmed by the evidence heard from the victims to have been life altering events. This misconduct will have consequences that are far reaching and which will continue to impact the victims' senses of self, safety, and trust. An appropriate penalty must reflect this severity.

[22] The Registrant's failure to respond to the allegations or participate in these proceedings shows a disregard for the profession. The Registrant has shown no commitment to the professional ethics, morals, or values of social work and social service work practice.

#### *Specific and General Deterrence*

[23] The College must ensure that the Registrant does not commit similar misconduct in the future. Revocation ensures that he will not do so as a social worker. Revocation also demonstrates to the Registrant and to other members of the profession that this type of reprehensible conduct will result in strict, severe, and appropriate consequences.

[24] The profession as a whole must recognize that sexual misconduct and sexual boundary violations will not be tolerated. A suspension will not accomplish this goal in the circumstances of this case. Revocation is the appropriate and necessary outcome.

[25] Although the Registrant chose not to participate in these discipline proceedings, a reprimand, which will be recorded on the register, provides a mechanism for the Panel and in turn, the profession, to express grave disapproval of the misconduct. The reprimand shall serve to emphasize to both the public and other members of the College that there will be no tolerance for this type of conduct within the profession. It confirms the College's ability to discipline its members. The reprimand also sends a message to the Registrant that he cannot evade censure for these acts of professional misconduct by avoiding the hearing process. The reprimand will be available for public viewing along with the reasons for decision and order in this matter.

[26] A five-year prohibition on any application for reinstatement is consistent with other discipline decisions issued by both this College and other regulators in matters involving sexual abuse and sexual boundary violations. In the unlikely event that the Registrant should ever choose to apply for reinstatement or for a new certificate of registration, the public can be assured that the College will engage in a rigorous review process.

[27] With respect to costs, the Panel emphasizes that costs are not part of the penalty and are not meant to be punitive. An order for costs allows the College to recover some of the expenses which arise out of its duty to regulate its membership. The recovery of costs in appropriate cases such as this one relieves other registrants from funding the entirety of the expenses to investigate and prosecute professional discipline matters.

[28] As we noted earlier, the Registrant's misconduct was of the most serious nature that the College regulates, sexual abuse. As such, the associated cost to investigate and prosecute the matter is understandably significant.

[29] The Panel considered and accepted the costs submissions of the College. The costs incurred were particularized in a bill of costs which was filed as Exhibit 3 on the May 19 penalty hearing. The Panel accepts the calculations contained in the evidence.

[30] The Panel is mindful of the need to not have cost awards deter members from defending themselves in professional discipline matters. While the actual costs expended were \$149,992.92, the Panel agrees that it is appropriate to relieve the College and the broader membership of some of these expenses. Given the facts of this case, and the balancing of these interests, the Panel is satisfied that an award of \$100,000, which equates to 2/3 of the total costs incurred, is both consistent with other cost awards issued by this College and appropriate in this matter.

I, Charlene Crews, sign this decision as chairperson of the Panel and on behalf of the Panel members listed below.

Date: June 5, 2023

Signed: \_\_\_\_\_

Charlene Crews, Chair  
Judy Gardner  
Carrie McEachran

#### **APPENDIX A – REPRIMAND**

Mr. Essa Egal, as part of its penalty order this Panel has ordered that you be given a reprimand.

The fact that you have received this reprimand will be part of the public portion of the Register and, as such, part of your record with the College.

The Panel has found that you have engaged in multiple counts of professional misconduct. Specifically:

- You failed to meet the standards of the profession by falsifying records, failing to keep records and submitting documents for billing purposes that you knew were false, misleading or otherwise improper.
- You violated professional boundaries by making personal and sexualized comments about your clients' physical attributes; inviting clients to engage in a personal and romantic relationship with you; engaging in non-client centred practice when you pushed clients to disclose trauma experiences for your own personal interest; and using counselling sessions to engage in personal self-disclosure of your own marital and life issues while seeking personal validation from your clients.
- Lastly, and of exceptional concern, you exploited your position of power, and retraumatized multiple vulnerable female clients including isolating and coercing clients

in your office, closing and locking your office door, and forcing some to engage in unwanted sexual touching and/or sexual acts.

Your misconduct is a matter of profound concern to this panel. You have brought discredit to the profession and to yourself. Public confidence in this profession has been put in jeopardy. You have let down the public, the social work profession, and yourself.

Your conduct is unacceptable. Your behaviour was dishonest and deceitful. You falsified and fabricated clinical records and demonstrated a blatant disregard for professional standards. Your conduct undermines the overall trustworthiness of the social work and social service worker profession.

You used your counselling practice to engage in predatory behavior with multiple vulnerable clients, whom you knew to have histories of sexual trauma. Your behaviour contains a significant element of moral failure and is reasonably regarded as disgraceful, dishonourable, and unprofessional.

Your unwillingness to work with the College communicates unequivocally to this Panel that you have failed to recognize the seriousness of your misconduct.